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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 WILLIAM ORVAL GIBBONS,

9 *Petitioner,*

10 vs.

11 ROBERT LEGRAND, *et al.*,

12 *Respondents.*
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3:13-cv-00646-LRH-VPC

ORDER

15 In this habeas matter under 28 U.S.C. § 2254, neither the record nor the Court's administrative
16 records reflect that petitioner has paid the filing fee. The prior order informed petitioner that a failure
17 to timely pay the filing fee would result in dismissal of the action without further advance notice.¹

18 IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice.

19 The Clerk of Court shall enter final judgment accordingly.

20 DATED this 13th day of February, 2014.

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24 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

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26 ¹The Court notes in passing that the current petition, which challenges petitioner's June 22, 1979, Nevada state
27 conviction, appears on its face to be both successive and untimely. See No. 3:01-cv-00159-LRH-RAM (denying prior
28 federal petition challenging the same conviction on the merits as to certain claims and on the basis of procedural default
as to others). It does not appear that petitioner has obtained permission from the Court of Appeals to file a successive
petition. Nothing in the papers presented reflects that there is a realistic possibility of petitioner being able to pursue the
successive and untimely petition to a favorable determination.